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1 Q. Do you recognize that?

2 A. I do.

3 Q. What is Exhibit 1?

4 A. This is an article that was in the
5 West Virginia Encyclopedia published at some point.

6 Q. And you wrote that article, correct?

7 A. I wrote some of this. I did not write
8 this whole article. This has been updated.

9 Q. All right. Can you tell me the portions
10 of that article that you did not write?

11 A. I don't believe I wrote that last
12 paragraph. That's been updated.

13 Q. Does that begin --

14 A. The State has continued to struggle.

15 Q. So the one, two, three, four -- five
16 paragraphs prior to that, did you write that?

17 A. Yes, sir.

18 Well, that last paragraph that -- well,
19 one, two, three, four -- fifth paragraph, I'm not
20 sure that I wrote that whole thing. It states
21 dates in 2020.

22 Q. Who else would have access to the
23 West Virginia Encyclopedia?

24 Is it kind of like a Wikipedia thing that

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1 A. Director of Research and Planning.

2 Q. And I think that's how you are identified,
3 correct?

4 A. Yes.

5 Q. Director of Research and Planning for the
6 State Division of Corrections, right?

7 A. That's correct.

8 Q. And the recidivism rate was 26.8 percent
9 in 2004, fourth lowest amongst states, right?

10 A. Yes.

11 Q. And you say, I think that is a very
12 positive light.

13 So it was seven years prior the recidivism
14 rate and that was a positive as of May 2011,
15 correct?

16 A. Correct.

17 Q. Let's go down to the bottom part of the
18 article. That doesn't mean there are no problems
19 in the State system. Douglas said that
20 West Virginia has the nation's second fastest
21 growing prison population, increasing by 4 percent
22 annually. Only Alaska is seeing a more rapid
23 climb.

24 Did I read that correctly?

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1 A. You did.

2 Q. Was that correct?

3 A. I believe that's accurate.

4 Q. So the State of West Virginia knew as
5 early as 2011 that it had the second fastest
6 climbing rising inmate population, correct?

7 A. Prison population.

8 Q. Prison population.

9 And are you making a distinction there
10 between prison and other facilities?

11 A. Yes, this was about prisons.

12 Q. And in 2011 what prisons were there?

13 A. I'm not sure I can name them all
14 accurately with a specific date like that.

15 Q. How many were there?

16 A. I'm not even sure.

17 Q. Are you making a distinction between
18 prisons versus regional jails?

19 A. Correct.

20 Q. And in 2011 DOC ran prisons and maybe even
21 other facilities and Regional Jails ran regional
22 jails, correct?

23 A. Correct.

24 Q. Were the regional jails also trending

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1 worse than it was in 2011, correct?

2 A. Correct.

3 (Exhibit No. 3 marked for
4 identification.)

5 THE WITNESS: Okay.

6 BY MR. NEW:

7 Q. All right. This is a news article from
8 WCHS Tuesday, April 26, 2022. Do you recall
9 testifying to the Oversight Committee on Regional
10 Jail and Correctional Center Authority on Tuesday,
11 April 26, 2022?

12 A. I don't recall that one specifically, but
13 I did so pretty often.

14 Q. And it says here that Senator Charles
15 Clements of Wetzel and Senator Jack Woodrum of
16 Summers were the two members present for your
17 presentation on that day, correct?

18 A. Yes.

19 Q. When you testify to a Committee at the
20 Legislature, do you do so under oath?

21 A. I do.

22 Let me take that back. I'm not so sure --
23 I'm not sure that they always swear you in at the
24 Oversight Committee if there is not a quorum.

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1 Moundsville that serves Brooke, Hancock, Marshall,
2 Ohio and Wetzel counties was experiencing 50
3 percent officer shortage while the Western Regional
4 that serves Cabell, Lincoln, Mason, Putnam and
5 Wayne was experiencing 46 percent shortage of
6 correctional officers. It's still a real struggle
7 to hire people right now, he said, despite efforts
8 to advertise for the position and get the word out
9 about jobs. That is a major topic on our mind.
10 Starting hourly wage is \$14.75. That was as of
11 April 2022, correct?

12 A. Yes.

13 Q. And you note, It's a tough job. Takes a
14 special person and you're paying what they're
15 paying down the road at the gas station.

16 Was there a bill in 2022 to raise
17 correctional officer pay?

18 A. I don't remember specifically, there
19 probably was.

20 Q. There was a bill in 2023 specifically
21 because the Governor mentioned it in the State of
22 the State specifically a bill to raise correctional
23 officer pay and some locality type pay or something
24 for the officers in the Eastern panhandle to

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1 Q. Anyone else?

2 A. Not that I know of.

3 Q. So the two of you for the past few years
4 have been talking to the Legislature and it says,
5 Everybody we can talk to. People within the
6 Governor's office?

7 A. Our chain of command, yes.

8 Q. Who is your chain on command?

9 A. The Department of Homeland Security and
10 the Governor's office.

11 Q. So that would be Commissioner Sandy here,
12 correct?

13 A. Secretary Sandy.

14 Q. Secretary. My apologizes.

15 Secretary Sandy here, correct?

16 A. Correct.

17 Q. And who else within the Governor's office
18 were you talking to about the facilities were in
19 serious need of maintenance that's only getting
20 worse?

21 A. I don't know specifically who all those
22 people would be.

23 Q. Above him, Secretary Sandy, where does it
24 go from there?

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1 A. Well, there is Chief Abraham but there are
2 others but I'm not sure specifically at that point
3 in time who all those people were.

4 Q. Brian Abraham, that's the Governor's Chief
5 of Staff, correct?

6 A. Correct.

7 Q. Did you or Ms. Jividen ever speak to the
8 Governor himself about the deferred maintenance?

9 A. I don't know about Ms. Jividen, I did not.

10 Q. So let's talk about deferred maintenance
11 at West Virginia jails. You outlined here, The
12 list is of every project and maintenance needed in
13 every prison, jail and juvenile facility that does
14 not have allocated funding.

15 Tell me what you mean by that does not
16 have allocated funding?

17 A. So we get specific allocations of funds
18 for specific projects sometimes. And we also get a
19 flat amount for deferred maintenance every year
20 that we allocate or encumber for specific projects.
21 So there is a list of projects that have funds
22 allocated to them and are in various stages of
23 completion. That deferred maintenance list I was
24 referring to here are maintenance projects that do

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1 not have allocated funding.

2 Q. And how much does the State allocate for
3 deferred maintenance year in and year out?

4 A. Every year we get \$2 million for deferred
5 maintenance for our general revenue facilities
6 which is the prisons. We get 250,000 for our
7 general revenue facilities, juvenile centers. And
8 we do not get a specific allocation for the jails
9 because that's a special revenue system.

10 Q. All right.

11 A. We also get specific allocations for
12 specific projects occasionally.

13 Q. Where would the money come from? You said
14 it's a special revenue project, where would the
15 money have to come from to do the deferred
16 maintenance in the regional jails?

17 A. So the jails are funded through several
18 funding streams. The biggest one being the
19 operational fund that comes in from the per diem
20 from the counties. But there are also funding
21 streams from things like commissary, inmate
22 telephones, et cetera. So it has to come from one
23 of those sources.

24 Q. I understand that.

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1 So has there been a specific indication
2 like you've got 2 million in the budget for
3 prisons, 250 for juvenile facilities, has there
4 been any indication, hey look, we're going to tag X
5 number of dollars a year out of the jails funds to
6 catch up on deferred maintenance?

7 A. Yeah. We have an opportunity now through
8 the money that was previously a part of the bond
9 reserve since the bonds are paid off to use that
10 money for maintenance now.

11 Q. Opportunity, when did that opportunity
12 arise?

13 A. I don't believe it was this session, it
14 was the session before that.

15 Q. And was there any money allocated out of
16 that bond revenue money that's freed up to do the
17 deferred maintenance at jails?

18 A. We're in that process correctly.

19 Q. In process currently.

20 Where in the process are you?

21 A. I don't know specifically.

22 Q. How much is looking at being allocated to
23 catch up on the deferred maintenance in
24 West Virginia's jails?

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1 that's currently in the special fund, bond revenue
2 that you just told me about and get it down to 260
3 million and the State allocates in the budget
4 2,250,000 a year for deferred maintenance, correct?

5 A. Correct.

6 Q. How many years would it take to catch up
7 on the \$260 million?

8 A. I don't know.

9 Q. All right. Let's round it back to
10 2 million. Two into 260 that's a hundred -- it
11 would take 130 years to catch up on the State's
12 deferred maintenance at the rate that the State
13 currently allocates money for it. Is that a fair
14 statement?

15 A. I don't believe that's a fair statement.
16 We have other --

17 Q. What's unfair about it?

18 A. Well, we have other ways of dealing with
19 some of that deferred maintenance. We do a lot of
20 work ourselves without bidding it out to outside
21 stuff. So that number is a moving number all the
22 time.

23 Q. Yeah. According to this article it moved
24 from 150 to 277. Over what period of time did it

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1 A. Were the projects completed?

2 Q. Yes.

3 A. No.

4 Q. So as we used to say in the army, hope is
5 not a planning tool, it is?

6 A. No.

7 Q. It says, you hoped to have -- the hoped to
8 have completed, did you hope to have the list
9 completed by the end of May or did you hope to have
10 the projects completed by the --

11 A. That was -- I was referring to having the
12 presentation done by then.

13 Q. Having the list done by the end of May.

14 And you're saying here, Our intentions to
15 analyze the top 10, 15 or 20 biggest critical
16 needs. And at some point did the State get that
17 list of the top 10, 15, 20 biggest critical needs
18 put together?

19 A. Yes.

20 Q. What was done with that list?

21 A. It was provided to the chain of command
22 and the legislature.

23 Q. And by chain of command, you mean
24 Secretary Sandy here, correct?

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1 A. Correct.

2 Q. At DHS. Legislature, any specific
3 committees or did that just go to president of the
4 senate and speaker of the house or were there
5 specific committees that got it?

6 A. I believe it was provided to our Oversight
7 Committee.

8 Q. Oversight. Okay.

9 And was there anybody else besides
10 Secretary Sandy here who got it and the Oversight
11 Committee?

12 A. Not to my knowledge.

13 Q. And what was done with the list for the
14 top 10, 15 or 20 most critical needs, biggest most
15 critical needs?

16 A. We still have it and it serves as our
17 priority list for deferred maintenance projects.

18 Q. How many things have been knocked off of
19 that list in the year, 13 months since that list
20 was compiled?

21 A. I'm not sure.

22 Q. What was the money needed to knock those
23 things off the list?

24 A. That was about 60 million.

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1 Q. 60 million. And how much money were you
2 given?

3 A. The amount that we talked about earlier.

4 Q. 17?

5 A. Well, that and then the 2 million we get
6 every year, so.

7 Q. 17, 2 million, 250 -- so 19,250,000 when
8 you asked for 60 million, correct?

9 A. Correct.

10 Q. And we're not talking about -- I mean
11 obviously that's 60 of 227 million that needs spent
12 on all of the deferred maintenance, right?

13 A. That 60 million is a subset of that other
14 number, yes.

15 Q. Right.

16 And you've identified that as being 60
17 million the most critical, correct?

18 A. Correct.

19 Q. And is 27 of that 60 million locks --

20 A. Doors, locks -- well, let me say it
21 differently. Door locking controlling systems
22 which is not the same things, selective locks and
23 doors for the jails.

24 Q. I understand that.

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1 MR. NEW: Let' take a quick break. We'll
2 get through the rest of this.

5 (Break in proceedings.)

6 VIDEOGRAPHER: This is the beginning of
7 part two. The time is 11:04 a.m.

8 BY MR. NEW:

9 Q. Okay, we were talking about this critical
10 issues list on the deferred maintenance. You asked
11 for sixty million, you got 19,250,000. And I
12 understood you to say that 27 million is needed for
13 door locking control systems and doors and locks,
14 correct?

15 A. Correct.

16 Q. So it is fair to say that the 19,250,000
17 wasn't all spent on just door locking control
18 systems and doors and locks?

19 A. Correct.

20 Q. Do you know how much is needed -- I'm
21 sorry, how much was spent towards the 27 million
22 for the door locking and control systems and doors
23 and locks?

24 A. How much was spent so far?

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1 Q. Yes.

2 A. I don't -- of the 17 million in the jail
3 fund, none so far.

4 Q. Are there door locking control systems and
5 doors and locks deferred maintenance needs totaling
6 this 27 million dollars at every correctional
7 facility in the State of West Virginia?

8 A. That 27 million represents the jails.

9 Q. Jails. So that would not include the
10 needs for door locking control systems, doors and
11 locks at prisons and juvenile facilities, correct?

12 A. Correct.

13 Q. Let's break each of the three of those
14 down then. For the jails, is every jail to some
15 extent in need of doors, locks, door locking
16 control systems?

17 A. Yes.

18 Q. How many jails are there?

19 A. Ten.

20 Q. Same question with respect to prisons and
21 juvenile facilities. To some extent, and I'm not
22 asking about the amount, is there a need for doors,
23 locks and door locking control systems at all of
24 West Virginia's prisons and juvenile facilities?

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1 MR. MURRAY: Objection. Go ahead.

2 THE WITNESS: If they're not sentenced to
3 State prison, yes.

4 BY MR. NEW:

5 Q. Right.

6 If an inmate hasn't been sentenced to
7 State prison yet, the obligation to feed, house,
8 clothe that inmate is the responsibility of the
9 county from which that inmate comes, correct?

10 MR. MURRAY: Objection.

11 BY MR. NEW:

12 Q. Is that your understanding?

13 A. Through their per diem payments to the
14 regional jails.

15 Q. But that --

16 A. I'm not sure where that line is drawn.

17 Q. The counties have contracted with the
18 State to house those inmates in these regional
19 jails, correct?

20 MR. MURRAY: Objection.

21 THE WITNESS: I don't know that.

22 BY MR. NEW:

23 Q. Have you ever seen a contract between the
24 State of West Virginia and the counties or a

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1 Memorandum of Understanding or something?

2 A. No.

3 Q. The next paragraph down you say, There is
4 not much else we know to do. We think we have
5 tapped out those savings. We do not have an
6 opinion or a desire or how we solve the problem.
7 We just know as the DCR that we need the proper
8 money and funding to be able to operate the jail
9 safely. Did I read that correctly?

10 A. You did.

11 Q. Is that the same on June the 12th of 2023
12 as it was when you were testifying before the
13 Interim Committee on Tuesday, April 26, 2022?

14 A. Yes.

15 Q. Senator Clements then asks you, When I
16 look at those numbers and you're down 61, 62
17 percent, how do you operate with those numbers.
18 And then you go on to describe the exhaustion of
19 the correctional officers that still work for the
20 State of West Virginia, correct?

21 A. Correct.

22 Q. And you mentioned earlier that, for
23 instance, in the Eastern panhandle that has as high
24 as 50, 60, I think I've seen you quoted or maybe

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1 heard you on Hoppy or something recently that as
2 high as 70 percent vacancy of correctional officers
3 in the Eastern panhandle, correct?

4 A. Correct.

5 Q. And you mention in your earlier part of
6 your testimony getting officers to come from other
7 areas of the state to come over to the Eastern
8 panhandle and chip in, do overtime, correct?

9 A. Correct.

10 Q. You've now got National Guardsmen and
11 non-security personnel working at some of the
12 security posts inside the jails, correct?

13 A. Correct.

14 Q. That's not sustainable, is it,
15 Mr. Douglas?

16 A. It is not.

17 Q. Is there and has there been since 2019 a
18 high turnover rate of the State's correctional
19 officers in the regional jails?

20 A. Yes.

21 Q. What's the average turnover rate in each
22 jail?

23 A. I don't know. I don't have that number.

24 Q. That number is easy for us to ascertain

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1 A. We have.

2 Q. For how many years have you brought that?

3 A. Several. And much progress has been made
4 but not comparing to the other jurisdictions.

5 Q. And I think that I had read you quoted as
6 saying that the pay raises in 2018 you called them
7 historical. Tell me what you meant by that when
8 you called those pay raises for correctional
9 officers historical?

10 A. Up to that point, the starting salary for
11 correctional officer was around 22,000 I think.
12 Secretary Sandy got them a dollar raise by using
13 some unfunded positions, and then the Governor's
14 \$6000, 2-2-2 raise along with a couple of across
15 the boards that we also benefit from and a Board
16 proposal to the Division of Personnel bought the
17 starting salary up to, I believe it was 30,000 all
18 tolled right after that and that made a large
19 difference.

20 Q. And I appreciate that. The correctional
21 officers -- is it fair to say that at 10 to \$11 an
22 hour for starting pay that was horribly underpaid
23 at that point, right?

24 A. Correct.

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1 A. Yeah, it would be time and a half.

2 Q. Time and a half.

3 Has there been resistance to a thought of
4 further raising -- I mean obviously there is
5 resistance because the Governor sent a bill to
6 Legislature this year to raise correctional officer
7 pay yet again, correct?

8 A. The Governor sent a bill related to
9 locality pay to the Legislature this year.

10 Q. Where is the resistance coming from in
11 terms of raising correctional officer pay yet again
12 to make West Virginia competitive and address this
13 understaffing at our jails?

14 A. My belief is that there is not resistance.
15 It's just trying to get on the same page with how
16 to do it, but that's my belief.

17 Q. And so we talked about pay and workload.
18 It's unsustainable to ask officers -- for instance,
19 if you're a correctional officer, as an example, at
20 North Central and you do 40 hours at North Central,
21 and then you go out on a weekend or something and
22 do 16 or 20 out in the Eastern panhandle, just
23 using that as an example, that example isn't out of
24 the ordinary for the State of West Virginia; is the

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1 not?

2 A. I don't believe that's typically how we do
3 it but just going on your example, I understand.

4 Q. And that example that I gave you of an
5 officer doing 40 at North Central then going out to
6 the Eastern panhandle and doing another 16 or 20
7 over the weekend, that's not sustainable for that
8 correctional officer?

9 A. That would not be sustainable.

10 Q. And that's the type of increased workload
11 that you're talking about, isn't it?

12 A. Correct.

13 Q. And last part of this Senator Clements
14 asked you, Do you feel like you've ever gotten to
15 the point where security has became an issue and
16 you said, Um, I feel that we will inevitability get
17 to that point if we're not there already. Tell me
18 what you meant by that?

19 A. Exactly what I said.

20 Q. What is the about correctional officer
21 shortage in the regional jails that affects the
22 security of those places?

23 A. Those facilities depend on staff and
24 security staff to operate them -- operate them

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1 here.

2 The additional 10 would have cost 7 and a
3 half million, right?

4 A. That would just be for the vacancy
5 openings.

6 Q. Right. That would be for the vacancy and
7 that's just the additional 10?

8 A. That sounds right.

9 Q. And if you paid 750 officers 40,000 -- 30
10 million would pay 750 officers starting salary of
11 40,000, right?

12 A. That sounds right.

13 Q. Not to mention the difference -- would you
14 have to escalate up other officer pay as well then?

15 I mean, you couldn't very well have a 10
16 year or 15 year officer making 35, bring in a new
17 guy that makes 40, you'd have to escalate their pay
18 up some, correct?

19 A. Correct. You'd estimate it based on how
20 many total CO positions we have.

21 Q. Which I think I read a moment ago, 3800.
22 What's the cost of getting officer pay to what it
23 needs to be whether for the vacancies or the
24 roughly 2800 that you have now?

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1 A. I don't have that number right in front of
2 me and it's real complex depending on how you go
3 about doing it.

4 Q. I have talked to some legislators that
5 estimate that about 55 million is needed to fix the
6 officer pay situation. Do you have any reason to
7 disagree with that number?

8 A. I would just state that that might have
9 been related to the bill that they had.

10 Q. But with 55 or 60 million dollars, you
11 could give the 2800 officers that you have now a
12 raise in pay, correct?

13 A. You bet.

14 Q. And you could be competitive in hiring the
15 750 or so that you need, correct?

16 A. That would be correct.

17 Q. So let's do some kind of math here that we
18 can understand, easy math. If you -- if the State
19 of West Virginia spent \$60 million on correctional
20 officers and say \$250 million on maintenance, \$310
21 million, wouldn't a lot of the issues facing
22 West Virginia's jails be greatly improved, if not
23 go away?

24 MR. MURRAY: Objection.

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1 THE WITNESS: I would agree they would be
2 greatly improved.

3 BY MR. NEW:

4 Q. I mean the 60 million spent on
5 correctional officers would make your current 2800
6 correctional officers competitive in their pay and
7 reward their dedication. You could more easily
8 recruit the 750 that you're missing, correct?

9 A. Speaking in general numbers because that
10 2800 is total -- that's all our positions, not just
11 officers.

12 Q. I got you.

13 I mean, you could give raises to the
14 maintenance staff and to the clerical staff?

15 A. Correct.

16 Q. And all the other people that have shown
17 their dedication to the State of West Virginia and
18 its correctional system, correct?

19 A. Correct.

20 Q. And the \$250 million in maintenance, that
21 would get you close in catching up on years worth
22 of deferred maintenance, correct?

23 A. Correct.

24 Q. While we are talking dollars, what does it

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1 correct? I mean within 2500 bucks.

2 A. Correct.

3 Q. And then if you go down a couple more
4 paragraphs, says, Lawmakers will consider the bill
5 during the 60 day legislative session to provide
6 more funding.

7 And do you see that?

8 A. Yes.

9 Q. Did that bill ever get introduced the one
10 that's referenced in this Inter-Mountain article?

11 A. I don't believe it did.

12 Q. Was there a reason for that?

13 A. I don't know. Not to my knowledge.

14 Q. Has there seemed to be a resistance on the
15 part of State Legislature to take up the bill
16 that's mentioned here, not just the locality one
17 but this one that's talking about an increase in
18 the base salary for correctional officers based on
19 years of service, 600 increase for the first five
20 years, 600 increase every three years thereafter?

21 MR. MURRAY: Objection.

22 THE WITNESS: I don't see it as
23 resistance. I think this is what preceded the bill
24 that initially got -- that eventually got

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1 introduced.

2 BY MR. NEW:

3 Q. The Governor's office seems to want
4 correctional officers to get a pay increase,
5 correct?

6 A. Correct.

7 Q. If the Governor wants it and there is
8 money in the budget for it, why isn't it happening?

9 MR. MURRAY: objection.

10 THE WITNESS: Brad's opinion is, like I
11 said earlier, just it's a matter of figuring out
12 how to do it.

13 BY MR. NEW:

14 Q. In all fairness, the money is there,
15 correct?

16 I mean this State has a budget surplus.

17 A. That's correct.

18 Q. So it's not as if that the money to spend
19 looking at the 310 million that we talked about
20 earlier, 60 million for correctional officers and
21 their pay, 250 million for deferred maintenance.
22 There is more than that in the State's budget
23 surplus as of today, correct?

24 A. That's my understanding.

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1 Q. I understand that.

2 And the locks, doors, and locking
3 mechanism were in that 60, correct?

4 A. Yes.

5 (Exhibit No. 11 marked for
6 identification.)

7 BY MR. NEW:

8 Q. All right. Again, you're talking to the
9 Legislature about how the officers are exhausted
10 and you state you're working your people to death
11 and they're quitting because of that, correct?

12 A. Correct.

13 Q. And so you here in this January 19, 2023,
14 article from Metro News is attributing at least in
15 great part the high turnover rate to the working of
16 the people to death, the current staff in the
17 State's jails, correct?

18 A. Yes.

19 Q. And Delegate David Kelly says, A pay hike
20 is the most direct way to address the problems, do
21 you agree or disagree with that?

22 A. I agree.

23 Q. And then he also says, Recruiting is one
24 thing, but retention is something else. And that's

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1 is none of those that you would disagree with?

2 A. No.

3 Q. Highest priority is the protection of the
4 public, staff and offenders through the highest
5 degree of professional performance at all times.

6 That's pretty basic, isn't it?

7 A. Yeah.

8 Q. Third bullet, We correct offender behavior
9 first and foremost by modeling appropriate
10 behavior. That -- and by there the "we" is the
11 personnel employed by the Division of Corrections
12 and Rehabilitation, right?

13 A. That's correct.

14 Q. Fifth bullet down, We treat all employees,
15 the public and offenders with fairness, honesty,
16 consideration and dignity while recognizing
17 diversity. That's pretty decent and pretty basic
18 and pretty important, it is not?

19 A. It is.

20 Q. Do you believe that DOCR is currently
21 providing safe, secure, humane conditions in its
22 jails?

23 A. I do.

24 Q. And tell me upon what you base that

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1 West Virginia?

2 A. I don't believe so. It was frozen at
3 consolidation but it actually had been 48.25 for a
4 quite a few days prior to that.

5 Q. And as I understand your testimony and
6 I've seen from the news articles, you all -- your
7 Agency moving State prisoners from jails into
8 prisons has improved greatly in about the past year
9 or so, correct?

10 A. Correct.

11 Q. And although 7 of your 10 jails are still
12 over capacity, they are not as bad as they were in
13 about mid '22, is that a fair statement?

14 A. Absolutely.

15 Q. And take a look at the page 45 that you
16 have there.

17 A. Okay.

18 Q. We've established -- do you have any
19 reason to disagree with the capacity of Southern
20 Regional Jail is 468 inmates?

21 A. Correct.

22 Q. And if you look at the average daily
23 inmate population by fiscal year, at no point from
24 fiscal year '10 to fiscal year '19 is Southern

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1 Regional Jail at 468 or under, is it?

2 A. No.

3 Q. It is safe to say that the State of
4 West Virginia has known for over a decade that the
5 Southern Regional Jail is overcrowded?

6 A. Yes.

7 Q. And you in your various positions whether
8 it's been as chief of staff or the director of
9 research and information technology, whatever
10 position you've had, you yourself have known that
11 the South Regional has been overcrowded, correct?

12 A. I would say that's true since
13 consolidation.

14 Q. Yes.

15 Does overcrowding pose a risk of harm to
16 inmates?

17 A. It contributes to the safety and security
18 of the facility.

19 Q. That's also -- there is implied in that a
20 risk of harm to inmates?

21 A. Yes.

22 Q. Overcrowding makes a facility less safe
23 than it could be, does it not?

24 A. Yes.

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1 or what was the COVID impact on the number of
2 admissions and releases?

3 A. I think it impacted law enforcement
4 practices. For sure there was less arrestees
5 coming in the back of the jail. Magistrates and
6 judges were doing their jobs differently. And it
7 changed as the lock downs -- the lock downs
8 happened and unhappened and things, so it kind of
9 went back and forth.

10 Q. And do you have page 40 as well, sir?

11 A. I do.

12 Q. And when you look at inmates committed to
13 DCR waiting county regional jails for bed space at
14 DCR facilities, is that part of the backlog that we
15 were talking about earlier?

16 A. That first column there?

17 Q. Yes.

18 A. Yes.

19 Q. For instance, there were 128 males and 21
20 females who were awaiting transfer to prison,
21 correct?

22 A. Correct.

23 MR. MURRAY: Out of Southern Regional
24 Jail?